

## Representation Form

Please complete a separate **Part B Representation Form** (this part) for each representation that you would like to make. One **Part A Representation Form** must be enclosed with your **Part B Representation Form(s)**.

We have also published a separate **Guidance Note** to explain the terms used and to assist in making effective representations.

### Part B: Representation

Name and Organisation:	Phil Holden, Shropshire Hills AONB Partnership
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#### Q1. To which document does this representation relate?

- Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Sustainability Appraisal of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Habitats Regulations Assessment of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- (Please tick one box)

#### Q2. To which part of the document does this representation relate?

Paragraph:	<input type="text" value="2"/>	Policy:	<input type="text" value="DP24"/>	Site:	<input type="text"/>	Policies Map:	<input type="text"/>
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#### Q3. Do you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is:

- |  |      |                                     |     |                                     |
|--|------|-------------------------------------|-----|-------------------------------------|
| A. Legally compliant                     | Yes: | <input checked="" type="checkbox"/> | No: | <input type="checkbox"/>            |
| B. Sound                                 | Yes: | <input type="checkbox"/>            | No: | <input checked="" type="checkbox"/> |
| C. Compliant with the Duty to Co-operate | Yes: | <input type="checkbox"/>            | No: | <input type="checkbox"/>            |

(Please tick as appropriate).

#### Q4. Please give details of why you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

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The definition of major development in Annex 2 of NPPF is excepted by footnote 70 specifically with regard to paras 172 and 173 of the Framework – para 172 being the AONB policy. This definition does not therefore apply universally for development within AONBs, though it may be used as a guide. The policy needs to make provision for developments falling outwith this definition to be classed as 'major', which could be smaller developments than those in the NPPF definition.

The AONB Management Plan on p33 sets out some criteria to guide judgements of whether a development affecting the AONB is major, and these should be referenced in the policy.

The footnote 55 within NPPF states "For the purposes of paragraphs 172 and 173, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature,

scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.”

The fact that this says “ whether a **proposal** is major development... **taking into account its nature, scale and setting**”, etc suggests that a blanket application of the standard NPPF definition is not acceptable, since this cannot ‘take account’ of the particulars of the case.

*(Please continue on a separate sheet if necessary)*

**Q5. Please set out the modification(s) you consider necessary to make the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q4 above.**

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Remove “(as defined within Annex 2 of the NPPF)” and add suggested additional text:

*“Whether a proposed development constitutes major development will be a matter for the relevant decision taker, taking into account the individual characteristics and circumstances of the proposal and the local context. In determining whether a proposed development constitutes major development the Councils will consider whether by reason of its location, scale or massing, form, character or nature, the proposal has the potential to have a significant adverse impact on the natural beauty of the AONB. Criteria set out in the AONB Management Plan will be used as a guide. The nature of the AONB landscape means that even some smaller-scale proposals may be considered to be major development depending on the local context.”*

According to our understand of the **National Planning Practice Guidance: Planning obligations**, there is a further implication of the level that major development is defined at – as this determines for housing whether planning obligations can be sought from developers.

Guidance on the question “Are there any specific circumstances where contributions through planning obligations should not be sought from developers?” states:

“Planning obligations for affordable housing should only be sought for residential developments that are major developments.... In designated rural areas local planning authorities may instead choose to set their own lower threshold in plans and seek affordable housing contributions from developments above that threshold. Designated rural areas applies to rural areas described under section 157(1) of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty.”

*(Please continue on a separate sheet if necessary)*

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Office Use Only	Part A Reference:
	Part B Reference:

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No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

*(Please tick one box)*

**Q7. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

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Signature:

Phil Holden

Date:

25/02/2021

Office Use Only	Part A Reference:
	Part B Reference:

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- (Please tick one box)

#### Q2. To which part of the document does this representation relate?

Paragraph:	<input type="text" value="4"/>	Policy:	<input type="text" value="DP24"/>	Site:	<input type="text"/>	Policies Map:	<input type="text"/>
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#### Q3. Do you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is:

- A. Legally compliant      Yes:       No:
- B. Sound      Yes:       No:
- C. Compliant with the Duty to Co-operate      Yes:       No:
- (Please tick as appropriate).

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Policy para 4 refers to development outside the designated area, but makes no reference to the 'setting' of the AONB. This is the established terminology in relation to development outside an AONB, as within the most recent Management Plan Policy P1 viii) and **National Planning Practice Guidance: Natural Environment**

**How should development within the setting of National Parks, the Broads and Areas of Outstanding Natural Beauty be dealt with?**

*Land within the setting of these areas often makes an important contribution to maintaining their natural beauty, and where poorly located or designed development can do significant harm. This is especially the case where long views from or to the designated landscape are identified as important, or where the landscape character of land within and adjoining the designated area is*

complementary. Development within the settings of these areas will therefore need sensitive handling that takes these potential impacts into account.

Paragraph: 042 Reference ID: 8-042-20190721

Revision date: 21 07 2019

At present the Local Plan does not address this element of guidance.

It is notable also that that one of the amendments currently being proposed to the NPPF in consultation by government is also to make explicit reference to the setting of AONBs.

(Please continue on a separate sheet if necessary)

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Add text "Development in the area around the AONB should be assessed for its impacts on the AONB itself, and also take account of the landscape quality of the setting of the AONB."  
Add text to explanatory paragraphs "Measures to consider and mitigate such impacts should include where required Landscape and Visual Impact Assessments; care over orientation, site layout, height and scale of structures and buildings; consideration of the landscape, land uses and heritage assets around and beyond the development site; careful use of colours, materials and non-reflective surfaces; restraint and care in the and use of lighting."

(Please continue on a separate sheet if necessary)

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	Part B Reference:

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Phil Holden
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25/02/2021
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- Habitats Regulations Assessment of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- (Please tick one box)

#### Q2. To which part of the document does this representation relate?

Paragraph:	<input type="text"/>	Policy:	DP26	Site:	<input type="text"/>	Policies Map:	<input type="text"/>
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- A. Legally compliant      Yes:       No:
- B. Sound      Yes:       No:
- C. Compliant with the Duty to Co-operate      Yes:       No:
- (Please tick as appropriate).

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Given the clear importance during the period of the Plan of greatly increased capacity for renewable energy to address the Climate and Ecological Emergency and the urgent need to reduce carbon emissions to net zero, the Plan's content on renewable energy arguably does not provide adequate policy guidance. Since such developments have the potential to be in conflict with the purposes of AONB designation, the lack of policy in this area puts the special qualities of the AONB at risk, while also increasing the likelihood of conflict between proposed developments and the AONB designation, with the knock on effect of slowing and making more expensive the delivery of new renewable capacity. Clear policy can help to prevent such conflicts and enable good levels of new renewable energy generation while protecting the AONB.

Planning practice Guidance Paragraph: 001 Reference ID: 5-001-20140306 states:  
"Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable."

Planning practice guidance Paragraph: 003 Reference ID: 5-003-20140306 states:  
“Developing a strategy for renewable and low carbon energy  
How can local planning authorities develop a positive strategy to promote the delivery of renewable and low carbon energy? ...  
When drawing up a Local Plan local planning authorities should first consider what the local potential is for renewable and low carbon energy generation. In considering that potential, the matters local planning authorities should think about include:

the range of technologies that could be accommodated and the policies needed to encourage their development in the right places; ....”

There is within the Local Plan no real evidence of a strategy for renewable energy, such as what quantity of generation might come from what sources, or any discussion at all of areas, sites or locations.

The AONB Management Plan has since 2009 championed the necessary shift to low carbon and recognises climate change as an existential threat which is of over-riding relevance to securing a sustainable future for the AONB within the national and global context. The Plan sets out some criteria and guidance around accommodating renewables in the AONB without harm to its special qualities. This includes support for small scale generation and appropriate use of woodfuel and agricultural by-products. Such approaches are compatible with transition to more decentralised zero carbon energy systems that empower and benefit local communities, with broader sustainability benefits.

The Management Plan policy and guidance would in fact allow a modest degree of wind generation, though the Local Plan policy more or less prevents this, since Neighbourhood Plans are so limited in coverage. There is also no policy to guide planning applications for wind microgeneration in the AONB. Applications for these are required because AONBs are exempted from the normal permitted development rights - [https://www.planningportal.co.uk/info/200130/common\\_projects/57/wind\\_turbines/3](https://www.planningportal.co.uk/info/200130/common_projects/57/wind_turbines/3). The lack of action to expand small scale renewable generation in the area increases the likelihood of development proposals which could be harmful to the AONB.

The AONB Partnership believes it is possible to achieve a very substantial increase in renewable energy generation in Shropshire without harm to the AONB, but has felt obliged given its statutory remit to object to both large scale solar and biomass enterprises within the AONB. Achieving the balance is more likely to be achieved by having a clear strategy and policy for renewables in the county, drawing on best practice from other areas and utilising tools such as landscape character and capacity assessment. Raising community engagement on the topic of renewable energy through the development of policy and consultation will help to advance much needed renewable generation, and to close the gap between general high levels of public support in principle and the frequently observed resistance to particular local proposals.

*(Please continue on a separate sheet if necessary)*

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Office Use Only	Part A Reference:
	Part B Reference:



The Plan should set out a Strategy for increasing renewable generation capacity in the the county while protecting other interests such as the AONB. The Strategy should consider the potential for different technologies and ideally give policy guidance to locating larger developments.

Planning Practice Guidance Paragraph: 005 Reference ID: 5-005-20150618 states:

"Identifying areas suitable for renewable energy in plans gives greater certainty as to where such development will be permitted. For example, where councils have identified suitable areas for large scale solar farms, they should not have to give permission outside those areas for speculative applications involving the same type of development when they judge the impact to be unacceptable."

*(Please continue on a separate sheet if necessary)*

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*(Please tick one box)*

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Signature: Phil Holden

Date: 25/02/2021

Office Use Only	Part A Reference:
	Part B Reference:

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- (Please tick one box)

#### Q2. To which part of the document does this representation relate?

Paragraph:	<input type="text" value="3.23-3.36"/>	Policy:	<input type="text"/>	Site:	<input type="text"/>	Policies Map:	<input type="text"/>
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#### Q3. Do you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is:

- A. Legally compliant      Yes:       No:
- B. Sound      Yes:       No:
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The analysis recognises the significance of agricultural activity in affecting the nutrient status of the river, but then goes on to focus almost exclusively on housing, with brief mentions of employment land. The existence within the catchment of intensive poultry units and anaerobic digesters with cumulative impacts including through changed land use, and the fact that these developments fall within planning control is not addressed at all. This would also include the impacts within Shropshire of such units which lie in Powys and Herefordshire. Incomplete assessment under HRA may make the Plan not sound.

There are impacts which do not seem to be considered in adequate detail in Table 1 page 10-11 'Potential impact pathways..'. This table has a great deal of detail on fairly minor recreational impacts and very scant treatment of potentially significant indirect impacts such as manure from the millions of poultry raised in Shropshire. The full range of potential impacts associated with intensive poultry units should be addressed more explicitly within this section.

The Appendix 2 tables SACs within the AONB (Table 14 River Clun and Table 20 Stiperstones & the Hollies) contain information which is out of date and incomplete. For example the River Clun SAC 'Site Vulnerability' section references fertiliser runoff due to poor practice but does not make a link with intensive poultry units. Both the tables mention Environmentally Sensitive Areas as a mitigation option, but this scheme closed to new applicants in 2005 and all agreements under the scheme terminated some years ago.

(Please continue on a separate sheet if necessary)

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Additional analysis of the impact of agricultural developments, and updating of references to current agri-environment schemes. This supports our contention (submitted on a separate form b) that the Local Plan has not adequately developed policy in relation to intensive livestock units and large scale agricultural developments.

(Please continue on a separate sheet if necessary)

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Yes, I wish to participate in hearing session(s)

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Office Use Only	Part A Reference:
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Phil Holden
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Date:

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- (Please tick one box)

#### Q2. To which part of the document does this representation relate?

Paragraph:	<input type="text" value="3"/>	Policy:	<input type="text" value="SP10"/>	Site:	<input type="text"/>	Policies Map:	<input type="text"/>
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| B. Sound                                 | Yes: | <input type="checkbox"/>            | No: | <input checked="" type="checkbox"/> |
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This policy does not adequately address the issue of large intensive livestock units, which have been the commonest form of major development within the AONB in the last decade. Most of these have been recommended for approval, in contrast to the 'exceptional circumstances' wording and tests within NPPF for major development in AONBs. The AONB Management Plan identifies this category of major development as a significant concern. Large intensive livestock units have also been an area of significant contention elsewhere in Shropshire and so should be addressed in this policy as well as relying on the AONB policy DP24. The soundness test of being positively prepared "meeting the area's objectively assessed needs" is arguably not met.

Everything that is said about agricultural development in para 3c of SP10 comes under the preface "...will be positively considered..". As in NPPF, the geographically specific exception policies such as for the AONB effectively over-ride general policy presumptions in favour of certain types of development, but unless this is made clear the policies tend not to be interpreted this way and positive presumptions become a green light for 'anything goes'.

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This topic justifies specific policy development and background given its importance, and should not be subsumed within the broader policy SP10. The AONB Management Plan policy P5 on Agricultural Development has some material to draw on here:

“vi) Criteria indicating that applications for intensive livestock buildings should be refused include where:

- the scale of buildings would exceed the farmstead’s existing built footprint
- proximity to existing sheds would create significant cumulative impacts
- location is proposed in open field locations away from other farm buildings
- significant earth-moving or bunding is proposed
- the topography means that the development will be easily visible
- harm to landscape character cannot be satisfactorily mitigated
- proximity to residential properties or other businesses (within 400m has potential to generate harmful impacts on amenity, as recognised in the restriction in this zone for agricultural permitted development)
- units would be accessed by narrow roads and/or heavy traffic movements would alter the character of rural lanes or damage hedges or verges.”

Other key issues are around airborne nitrogen, waste materials especially in relation to the water environment, the physical landscape impact of large buildings, noise and odours, and associated traffic.

Farming is vital to provide food, and this will involve some built development. However unsustainable forms of farming are now widely understood to be a key contributor to the Climate and Ecological Emergency, yet the Plan does not really acknowledge that agricultural developments can cause harm. The Plan should actively encourage sustainable forms of farming (with explanation) as is done for other sectors of economic activity such as tourism.

*(Please continue on a separate sheet if necessary)*

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